



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 21.12-DOE

Subject: Rights Relating To Youths Eligible For Special Education Services

supersedes: DYD 17.11.2

Approved by:

Effective date:

07/01/1990

Authority:

TCA 37-5-106

ACA Standard:

6183, 9344, 9390, 9397

- I. APPLICATION: All Department of Children's Services employees, youth, parents, guardians, and surrogate parents.
- II. POLICY: All youth eligible for special education services and their parents/guardians or surrogate parents shall be granted all rights and privileges provided by state and federal law and all personnel in the Department of Children's Services juvenile facilities shall comply with Department of Education Rules, Regulations, and Minimum Standards for the Governance of Public Schools in the State of Tennessee in providing services for eligible youths.
- III. PROCEDURES:
 - A. Federal and State Laws and regulations listed below shall be complied with in formulating Department of Children's Services rules and policies and in evaluation and program planning for youths suspected of being in need of special education services.
 1. The Education of the Handicapped Act 20 V.S.C. 1401 et. seq., as amended by Public Acts 94-142 and 93-112.
 2. Tennessee Public Acts of 1972, Chapter 839, TCA 49-10-102.
 3. Section 504 of the Rehabilitation Act Of 1973 29 V. S. C. section 701, 721 through 723, 730 through 762, and 794.
 4. Rules, Regulations, and Minimum Standards for the Governance of Public Schools in the State of Tennessee.

- B. Department of Children's Services facilities must provide the services or arrange to have provided the services mandated by the laws and regulations in Section III. (A). An Individualized Education Program shall be developed in the staffing to address the specific special education and related services needs of youths determined to be in need of special education services.
- C. Department of Children's Services facilities shall guarantee eligible youths and their parents, guardian or surrogate parents all due process provisions mandated by the laws and regulations in Section III. (A).
 - 1. Parents of eligible youths shall be given at least five (5) days prior written invitation to attend the program staffing (Form CS-0192). Documentation of the invitation shall be maintained with the special education records.
 - 2. Before any program action is taken, parents shall be given a written list of the rights that are theirs as parents.
 - 3. Parents shall be given the opportunity to request a hearing concerning the provision or denial of special education services for their youth.
 - a) Parents of eligible youths who attend the program staffing shall have explained to them the action that was taken and given the opportunity to sign or otherwise mark the form Parent Response to Education Placement (Form CS-0193).
 - b) Parents of eligible youths who do not attend the staffing shall have forwarded to them, at the most recent address on file, the Parent Response to Education Placement (Form CS-0193) with a request to sign it and return it. If the parent fails to return the form, consent shall be implied.
 - c) The Parent Response to Educational Placement (Form CS-0193) shall provide parents an opportunity to indicate that they agree or do not agree with the program plan of their child. The form shall also give the parents the right to request a hearing regarding their child's education placement.
- D. A surrogate parent will be utilized under the following circumstances:
 - 1. A parent of the youth cannot be identified after reasonable effort to do so;
 - 2. The parent cannot be located;
 - 3. The youth's guardian is an agency or employee of the State of Tennessee.

IV. FORMS: CS-0192
 CS-0193

**(Note: This Policy Cannot Be Revised Without Prior Permission
of Chancery Court, Davidson County, Nashville, Tennessee.)**